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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,208	05/02/2002	Akio Yasuda	450117-03703	9913
20999	7590	03/05/2003		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER	
			TRUONG, DUC	
		ART UNIT	PAPER NUMBER	
		1711		
DATE MAILED: 03/05/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>		Application No. 10/019,208	Applicant(s) YASUDA ET AL.
		Examiner Duc Truong	Art Unit 1711
<p style="text-align: center;"><i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i></p>			
<p><b>Period for Reply</b></p> <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>			
<p><b>Status</b></p> <p>1) <input type="checkbox"/> Responsive to communication(s) filed on ____.</p> <p>2a) <input type="checkbox"/> This action is FINAL.                    2b) <input checked="" type="checkbox"/> This action is non-final.</p> <p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>			
<p><b>Disposition of Claims</b></p> <p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-30</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) ____ is/are withdrawn from consideration.</p> <p>5) <input type="checkbox"/> Claim(s) ____ is/are allowed.</p> <p>6) <input checked="" type="checkbox"/> Claim(s) <u>1-30</u> is/are rejected.</p> <p>7) <input type="checkbox"/> Claim(s) ____ is/are objected to.</p> <p>8) <input type="checkbox"/> Claim(s) ____ are subject to restriction and/or election requirement.</p>			
<p><b>Application Papers</b></p> <p>9) <input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10) <input type="checkbox"/> The drawing(s) filed on ____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11) <input type="checkbox"/> The proposed drawing correction filed on ____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner.</p> <p style="margin-left: 20px;">If approved, corrected drawings are required in reply to this Office action.</p> <p>12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>			
<p><b>Priority under 35 U.S.C. §§ 119 and 120</b></p> <p>13) <input checked="" type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a) <input checked="" type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:</p> <p style="margin-left: 20px;">1. <input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p style="margin-left: 20px;">2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. ____.</p> <p style="margin-left: 20px;">3. <input checked="" type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>			
<p><b>Attachment(s)</b></p> <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.</p> <p>4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) ____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: ____.</p>			

#### DETAILED ACTION

##### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 22, 24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by LEE J-I et al of record on 1449 or 133: 141917 or 125: 342810.

LEE discloses a polyfluorene end-capped with at least one charge transporting moiety such as anthracene, to form a light-emitting electrochemical cells. (see Abstract and in Fig. 1).

Nothofer discloses liquid crystalline polyfluorenes for blue polarized electroluminescence, comprising a polyfluorene end-capped with a hole transporting moiety such as a triphenylamine derivative.

Seda discloses an organic electronic device using a polyfluorene end-capped with a charge transporting polyester.

Thus, each and every limitation of the claims is met by the references.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-21, 25 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over LEE et al or Chem Abstract 133: 141917 or 125: 342810.

The references disclose a polyfluorene end-capped with at least one charge transporting moiety, as stated above.

The disclosures of the references differ from the instant claims in that they do not disclose the broad teachings of the claimed transporting moieties with so many formulae.

However, they do disclose a specific formula which is included in the broad teachings of the claimed formulae. Therefore, it would have been obvious to one of ordinary skill in the art to select the charge transporting moiety from the references within the limitations of the instant claims since they have been shown to be effective in a similar system and thus would have been expected to provide adequate results. There is no showing of unexpected results derived from said selections.

Claims 9-10, 12, 14, 16, 18, 20-22 and 25-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9-10, 12, 14, 16, 18, 20-22, 25-26, 28-30 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claims are improper in the use of the terminology "any of the foregoing claims, any of claims 1-11, any of claims 16-17, any of claims 16-19, any of

the claims 16-20, any of claims 1-15, any of claims 16-21, any of claims 1-15, any of claims 16-21 and any of claimd 22-25. The MDC must refer back to preceding claims in the alternatively and must not depend from another MDC either directly or indirectly.

Claims 26-30 provide for the use of a polyfluorene, a film or a device, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claims 26-30 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Truong whose telephone number is 703-308-2437. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9791 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



DT

February 27, 2003

DUCTRUONG  
PRIMARY EXAMINER